

Appln No. 09/710,490

Amdt date October 22, 2003

Reply to Office action of March 12, 2003

REMARKS/ARGUMENTS

Claims 2, 4, 6, 8, 10 and 12 are pending. Applicant has amended claims 6 and 12. The amendments find full support in the original specification and claims. No new matter is presented.

As an initial matter, Applicant would like to thank the Examiner for taking the time to conduct a telephone interview with Applicant's representative, Kathleen Olster, on July 31, 2003.

The Examiner rejected claims 2, 4, 6, 8, 10 and 12 under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. Although Applicant respectfully disagrees, in an effort to advance prosecution, Applicant has deleted the terminology "fluoride compounds" from independent claims 6 and 12, thereby obviating the rejection.

The Examiner rejected claims 2 and 6 under 35 U.S.C. § 102(e) as allegedly anticipated by Takami et al. (U.S. Patent No. 6,468,693). Applicant respectfully traverses this rejection.

As discussed with the Examiner, the passage cited by the Examiner at column 9, lines 33 to 48, does not teach the use a carbonaceous negative active material and a nitride or chloride compound, as presently claimed. Moreover, nothing in Takami teaches or suggests that the amount of the nitride or chloride compound is 0.05 to 30 wt%. It is the undersigned's understanding that the Examiner agreed during the telephone interview that these limitations adequately distinguish the presently claimed invention over the disclosure of Takami. Applicant therefore respectfully requests that the rejection over Takami be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully submits that pending claims 2, 4, 6, 8, 10 and 12, as amended, are in condition for allowance, and a timely indication of allowance is respectfully requested. If there

Appln No. 09/710,490

Amdt date October 22, 2003

Reply to Office action of March 12, 2003

are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

CHRISTIE, PARKER, & HALE, LLP

By _____

Kathleen M. Olster

Reg. No. 42,052

626/795-9900

KMO/edb

EDB PAS525018.1-* 10/22/03 6:52 AM